

SOMB Meeting Minutes

The regular meeting of the Sex Offender Management Board was held on November 19, 2009, at the Illinois Attorney Generals Office, Chicago, Illinois. Chairperson Cara Smith was unable to attend the meeting and asked Board Member Jack Cutrone to chair the meeting. Jack Cutrone called the meeting to order.

Present: Jack Cutrone, Tracie Newton, Verlin Mainz, Sheryl Essenberg, Harry Reed, Steve Goytia, Carol Corgan, Jessica O'Leary, Alesia Crockett

Absent: Excused: Cara Smith, Amy Campanelli, Jeff Brown, Jerry Isikoff, Dick Winkler, Shauna Boliker

Unexcused: Pat Delphino, Catherine Haberkorn, B. Kent Jones, Rena Van Tine

A. Welcome and Roll Call

B. Adam Walsh Act Update

Jessica O'Leary provided an overview of the Adam Walsh Child Protection and Safety Act of 2006 that provides a new comprehensive set of minimum standards for sex offender registration and notification in the United States. All states were granted a one-year extension to become compliant.

To date, Ohio is the only state that has been found to be in "substantial compliance". Jessica discussed in detail how Ohio plans to handle registration of juvenile sex offenders. Juveniles 14-15 years old registration is discretionary. Those 16-17 registration is mandatory however their information will not be available to the public. Ohio created a "Serious Youthful Offender" category which will allow these juveniles to be placed on the public registry. Their system went from "risk-based" to "offense-based."

C. Provider Reimbursements

In 2009-2010, we received 14 requests for reimbursement. Of those nine were paid for a total of \$2,700. The reimbursements for previous fiscal years are as follows: 2008-09, \$13,800; 2007-08, \$13,800; and 2006-07, \$10,500.

The SOMB fund balance is \$85,312.08, of which \$17,062.40 (20%) can be utilized by the Board for administrative purposes. The Board requested that someone from the Attorney General's Accounting Department attend the next meeting to discuss having separate accounts, one for reimbursements and one for the Board's portion of the fund.

D. Sex Offenders in Nursing Homes

Information was provided regarding the geographic distribution of sex offenders in nursing homes. Currently, 188 sex offenders reside in 103 facilities. The 103 facilities are located in 59 cities. The 59 cities are located in 38 counties.

The information was gathered in response to an inquiry by the Chicago Tribune. Tracie Newton mentioned that she has been talking frequently with the Tribune reporters on the issue also.

E. Civil Commitment: Sexually Dangerous Persons

Sheryl Essenberg provided an overview of the Sexually Dangerous Persons Act (SDP). The SDP Act provides an alternative way of dealing with a sex offender whose history and behavior indicates he is likely to reoffend if not incarcerated. The Act requires 1) that the offender have a mental disorder that has existed for at least a year; 2) that this mental disorder is coupled with a propensity to commit sex offenses and 3) that at least once he has demonstrated this propensity.

The Sexually Dangerous Persons Act allows the State to seek an indefinite commitment to the Illinois Department of Corrections as an alternative to a conviction and sentence. It requires that the person be examined by two qualified psychiatrists and alters the issue at trial from proving guilt with respect to a particular offense to proving that the person meets the SDP requirements. If proved SDP beyond a reasonable doubt the person is committed to DOC till no longer SDP. He will have the opportunity to claim recovery and the State will have the burden of proving he is still SDP.

SDP is appropriate only in certain cases but with the right situation it can be an extremely useful tool for keeping dangerous sex offenders out of our communities.

F. Next Meeting:

The Board members present agreed to meet every other month beginning in 2010. Next meeting, January 21, 2010, Illinois State Police, Springfield

G. Adjournment